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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/864,134      | 05/24/2001  | Joachim Opitz        | PHDE 000085         | 1105             |

7590

01/30/2003

Philips Electronics North America Corp.  
580 White Plains Road  
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EXAMINER

HARPER, HOLLY R

ART UNIT PAPER NUMBER

2879

DATE MAILED: 01/30/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Applicati n No.

09/864,134

Applicant(s)

OPITZ ET AL.

Examiner

Holly R. Harper

Art Unit

2879

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Czeiler et al. (USPN 4,421,803) hereinafter "Czeiler" in view of Jansen et al. (USPN 5,766,336) hereinafter "Jansen".

The Czeiler reference discloses an incandescent lamp with a coating on the inner walls of the bulbs (Column 5, Lines 45-46). The pigment contains titanium dioxide, a white pigment, (Column 5, Lines 29-30) and cadmium yellow (Column 5, Line 59). The Czeiler reference discloses a pigment containing cadmium, but does not disclose an oxide-nitride pigment. The Jansen reference teaches that cadmium based pigments used to color various articles can be replaced with an oxide-nitride pigment. The cadmium based pigments are known to release toxic constituents (Column 1, Lines 15-30). Jansen discloses general formulas for several oxide nitride pigments. The following constants are used for the formulas (Column 12, Lines 9-13 and Lines 27-30):

A = Mg, Ca, Sr, Ba

C = Mg, Ca, Mn, Fe, Co, Ni, Zn

A' = Ln, Bi, Al, Fe

C' = Al, Ga, In, Ti, V, Cr, Fe, Co, Ni

A'' = Ln, Bi

D = Al, Ga, In, Ti, V, Cr, Fe, Co, Ni

B = V, Nb, Ta

D' = Ti, Zr, Hf, Sn, Ge, Si, Nb, Ta

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B' = Ti, Zr, Hf, Sn, Ge

The following general equations were disclosed:

$A_{1-u}A_uBO_{2-u}N_{1+u}$  where u is between 0 and 1 (Column 11, Lines 45, 57-58)

$A_xA_{2-x}B_2O_{5+x}N_{2-x}$  where x is between 0 and less than 2 (Column 12, Line 1, 13-15)

$A_2B_{2-y}B_yO_{5+y}N_{2-y}$  where y is between 0 and less than 2 (Column 12, Line 5, 13-15)

$CD_{2-m}D_mO_{4-m}N_m$  where m is between 0 and 2 (Column 11, Line 9, 21-22)

$C_{1-n}C_nD_2O_{4-n}N_n$  where n between 0 and 1 (Column 12, Line 24, 34-35)

$A_2CBO_3N$  (Column 11, Line 34)

$A_2A''BO_4N_2$  (Column 11, Line 36)

$A_2DBO_3N_3$  (Column 11, Line 38)

Thus, it would have been obvious at the time the invention was made to a person having ordinary skills in the art to use a non-cadmium based pigment based on the general formulas, as taught by Jansen, to coat the inside of incandescent lamps.

### **Contact Information**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Holly Harper whose telephone number is (703) 305-7908. The examiner can normally be reached on Monday-Friday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimesh Patel, can be reached on (703) 305-4794. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-7382.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.



Holly Harper  
Patent Examiner  
Art Unit 2879



**NIMESHKUMAR D. PATEL**  
**SUPERVISORY PATENT EXAMINER**  
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